



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217-0022]

RTID 0648-XB505

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from pot catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) and trawl catcher vessels to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, pot catcher/processors, and American Fisheries Act (AFA) trawl catcher/processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2021 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective November 29, 2021, through 2400 hours, Alaska local time (A.l.t.), December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907-581-2062.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation

and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2021 Pacific cod TAC specified for pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA in the BSAI is 9,334 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The 2021 Pacific cod TAC specified for trawl catcher vessels in the BSAI is 24,704 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The 2021 Pacific cod TAC allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 3,944 mt as established by final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021) and reallocation (86 FR 47240, August 24, 2021).

The 2021 Pacific cod TAC specified for pot catcher/processors in the BSAI is 1,667 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The 2021 Pacific cod TAC specified for AFA trawl catcher/processors in the BSAI is 2,571 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA will not be able to harvest 500 mt of the 2021 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(5) and that trawl catcher vessels will not be able to harvest 3,054 mt of the 2021 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(9).

Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS reallocates 500 mt of Pacific cod from pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA and

3,054 of Pacific cod from trawl catcher vessels. In accordance with § 679.20(a)(7)(iii)(A), the 3,554 mt of Pacific cod is reallocated as follows: 500 mt for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, 500 mt for pot catcher/processors, and 2,554 mt for AFA trawl catcher/processors.

The harvest specifications for 2021 Pacific cod included in final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021) and revision (86 FR 47240, August 24, 2021), are further revised as follows: 8,834 mt to pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA, 21,650 mt to trawl catcher vessels, 4,444 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, 2,167 mt to pot catcher/processors, and 5,125 mt to AFA trawl catcher/processors.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of the Pacific cod TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 23, 2021.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 24, 2021.

Ngagne Jafnar Gueye,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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